

Appln. No. 10/758,555
Amendment

REMARKS

The following remarks address the non-final Office Action of March 20, 2006. Reconsideration and allowance of Applicants' claims are respectfully requested. Claims 1-3 and 8 are pending in the application. Claims 4-7 have been canceled. Claims 1-3 have been amended. Claim 8 is newly presented.

Although no fee is believed to be due in association with the instant response to the Office Action, the Office is authorized to charge any required fees to Deposit Account 50-0958.

35 U.S.C. § 112 Rejections

Claim 2 is rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter the applicant regards as the invention. In particular, the Examiner states that, "it is unclear how the rail means in lines 3 and 4 of claim 2 relate to the guide rails in line 4 of claim 1." Applicants respectfully submit that claim 2 as amended, eliminates the indefiniteness.

Prior Art Rejections

In paragraph 4 of the Office Action, claim 6 is rejected under 35 U.S.C. 102(b) as being anticipated by Makino (US 4,293,077). In the instant response, claim 6 has been canceled. Consequently, the issue of patentability is moot.

In paragraph 6 of the Office Action, claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Makino (US 4,293,077) in view of Gary (US 5,105,915). Applicants believe that claim 1 has been amended to more clearly recite the subject matter the Applicants regard as the invention. Amended claim 1, now recites, *inter alia*, "motorized means mounted on the

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platform to move the guide rails into engagement with the at least one container *and* to position the spreader bar of the crane into alignment with the at least one container.” Therefore, claim 1 positively recites two requirements for the motorized means mounted on the platform. The motorized means must: (1) move the guide rails into engagement with the at least one container; and (2) position the spreader bar of the crane into alignment with the at least one container. None of the prior art references, whether taken singly or combined, teach or suggest these two requirements.

As conceded in the Office Action, Makino does not disclose motorized means mounted on the platform for movement of the guide rails to enclose the container while positioning the spreader bar into alignment. The Examiner cites Gary to cure the deficiencies of Makino. The Examiner states that, “Gary discloses motorized means 90 & 92 mounted on a platform 20 for movement of the guide rails 30 & 34 to enclose an object.” Even if Gary does teach the first requirement, Gary does not teach or suggest the second requirement, i.e., motorized means to position the spreader bar of the crane into alignment with the at least one container.

Applicants’ invention is directed towards efficiently transferring loaded containers between a delivery vehicle and a dockside located sea vessel. As stated in paragraph [0003], “Such activities involve the crane operator simply lowering the crane spreader bar so as to lock onto a container anywhere below the crane.” Paragraph [0003] further states that, “Often a time consuming process is involved because multiple attempts are required before successful landing of the spreader bar on the container and lock on is achieved leading to a line-up of many trucks awaiting pick up of containers from the crane to thereby delay use of such trucks in acquiring another container.” To solve this problem, Applicants have created a system that includes motorized means for abutting a container and at the same time making it possible to redirect the

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spreader bar. See paragraph [0016]. This system that has improved efficiency because the motorized means has the effect of single-handedly aligning the container with the spreader bar. Nothing in the prior art references to Makino and Gary, either combined or taken singly, teach or suggest this subject matter. Consequently, amended claim 1 is allowable over the prior art.

Amended claim 1 also recites, *inter alia*, “a fixedly attached motorized cab for propelling the mobile loader to a load transfer dockside location underlying the crane.” As stated above, Applicants’ invention is directed towards efficiently transferring loaded containers between a delivery vehicle and a dockside located sea vessel. The inclusion of a motorized cab for quickly propelling the system into working position also improves the efficiency. The prior art references to Makino and Gary, either combined or taken singly, do not teach or suggest this subject matter. For these additional reasons, amended claim 1 is allowable over the prior art.

Even assuming arguendo, that Gary teaches the requirements for motorized means mounted on the platform to position the spreader bar of the crane into alignment with the at least one container, the combination of Makino in view of Gary would not have been obvious to one of ordinary skill in the art. In other words, given the teaching of Makino, which teaches a crane, one of ordinary skill would not look to Gary, which teaches a wheelchair lift, for providing motorized means to align a container to the spreader bar of a crane.

Claims 2, 3 and 8, which depend from independent claim 1 are also allowable because claims 2, 3 and 8 incorporate the limitations of claim 1. Furthermore, claims 2, 3 and 8 add additional elements that further distinguish the prior art.

Claim 3 recites, *inter alia*, “a wheeled frame having a first pair of vertical posts and a second pair of vertical posts, the loader having an elongated bottom support with the lift means disposed in underlying relation to the platform, the platform adjacent the first pair of vertical

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posts, and a delivery vehicle receiving opening adjacent the second pair of vertical posts, the apparatus further including sensor grid means." Claim 3 further recites, "the sensor grid means positioned between the second pair of vertical posts, adjacent the delivery vehicle opening." The prior art, either combined or taken singly, do not teach or suggest the specific requirements of claim 3.

Applicants' invention is directed towards efficiently transferring loaded containers between a delivery vehicle and a dockside located sea vessel. The specific arrangement recited in claim 3, improves efficiency over the known systems. Claim 3 recites the specific arrangements of the first and second pair of vertical posts, and the relative locations of the platform, the delivery vehicle receiving opening, and the sensor grid means with respect to the first and second pair of posts. As taught in paragraph [0017], the position of the grid sensor 58 with respect to the apparatus as a whole, enables accommodation for lateral spacing, vertical height, and longitudinal spacing relative to the platform. (See also, Figure 4.) The prior art cited, i.e., Makino, Gary, and Curry, are not directed towards achieving these particular goals, and therefore do not teach or suggest the specific limitations of claim 3.

Newly presented claim 8 recites a specific structure for guide rails. The prior art does not teach or suggest guide rails that have flair shaped ends for redirecting the spreader bar. Consequently, claim 8 is also deemed to be allowable over the prior art.

Conclusion

In view of the foregoing remarks, Applicant respectfully requests reconsideration of this application, withdrawal of all rejections, and the timely allowance of all pending claims. Should the Examiner feel that there are issues outstanding after consideration of this response, the

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Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

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